

# Notice of Allowability

Application No.

10/627,267

Examiner

Tatyana Zalukaeva

Applicant(s)

SATO, SHIGEKATU

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1713

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/25/2005.
2. ☒ The allowed claim(s) is/are 1,3 and 5.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☒ None   of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **EXAMINER'S COMMENT/REASONS FOR ALLOWANCE**

### **Examiner's Comment**

1. Amendment after final rejection of April 25, 2005 has been entered.
2. The terminal disclaimer filed on 1/17/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Application No. 10/627, 266 (now allowed) has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Allowable Claims***

3. Claims 1, 3 and 5 are allowed over the prior art of record.

### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance: the closest prior art of record are Nunn Jr., et al (U.S. 3,316,287) or Nunn Jr., et al (GB 1,090,565). Nunn Jr., et al '287 and Nunn Jr., et al (GB'565) teach organic polyalkyleneoxy borates, useful as antistatic agents, characterized by the following general formula:  
$$[R-O-CH_2CH(R_1-O)]_m-1-(CH_2CH_2O)_n-3-B$$
 wherein R represents at least one member of the group consisting of either a straight or branched chain alkyl radical containing from 10 to 28 carbon atoms, e.g., decyl, hendecyl, dinonyl, dodecyl, tridecyl, tetradecyl, pentadecyl, hexadecyl, heptadecyl, octadecyl, nonadecyl, eicosyl, etc.- which are unsubstituted or substituted by a chloro or dichloro mono-, di- or tri-alkyl of from 1 to 18

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carbon atoms, e.g., dimethylphenyl, dipropylphenyl, nonyl dinonylphenyl, octadecylphenyl, trioctadecylphenyl, etc., R1 represents either hydrogen methyl, ethyl, phenyl or cyclohexene oxide and m and n represent a positive integer of from 1 to 150.

However, neither one of the cited references teaches or suggests fairly the aminogroup containing compound as a part of the antistatic agent.

No other prior art that anticipates or suggests fairly the instant claims has been located as of the date of this office action. Therefore, claims 1,3, and 5 are allowed over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tatyana Zalukaeva whose telephone number is (571) 272-1115. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1305. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tatyana Zalukaeva  
Primary Examiner  
Art Unit 1713

May 17, 2005

A handwritten signature in black ink, appearing to read 'T. Zalukaeva', with a long horizontal flourish extending to the right.